



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gerardo PINELA-Ruiz

Defendant.

) Mag. Case No. '08 MJ 8020
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)
) Illegal Transportation of Aliens
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about January 13, 2008, within the Southern District of California, defendant Gerardo PINELA-Ruiz with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Pastor GUTIERREZ-Caldaria, Juan Carlos DE LA CRUZ-Beltran, and Octavio MELCHOR-Casimiro had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY OF
JANUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Gerardo PINELA-Ruiz

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending agents, M. Sandoval, J. Vega-Torres, S. Carter, A. Mills and M.
7 Hernandez that on January 13, 2008, the defendant, Gerardo PINELA-Ruiz, a United States
8 citizen, was apprehended near Holtville, California, as the driver of a 1995 Honda Civic bearing
9 California license 4NYK554, as he smuggled five (5) undocumented aliens from Mexico, in
10 violation of law.

11 While conducting surveillance east of the Calexico Commercial Port of Entry, the
12 Remote Video Surveillance Systems (RVSS) operator notified agent a group of suspected illegal
13 aliens had entered the United States by walking over the International Boundary into the United
14 States. The RVSS operator notified agents and maintained visual as the group boarded a raft and
15 crossed the All American Canal. The group was observed as they continued northbound along
16 the riverbank of the Alamo River. Agent Mills, who was positioned north of the group observed
17 as the group continued traveling northbound on the west side of the Alamo River. Agent Mills
18 followed the group as they traveled northbound past Highway 98. The group continued walking
19 for approximately one mile past Highway 98 and proceeded westbound towards Highway 7.
20 After reaching Highway 7, the group laid down on the east side of the highway. Agent Mills
21 continued observing the group as they were laying down near the highway.

22 Agent Vega-Torres saw a small sedan make several loops between Highway 7 and
23 Interstate 8. Agent Vega-Torres followed the small dark colored sedan and observed as the sedan
24 stopped near the group of suspected illegal aliens that were waiting near Highway 7. Agent Mills
25 observed as the group boarded the sedan. After the group boarded the sedan, the driver later
26 identified as Gerardo PINELA-Ruiz, continued driving northbound on Highway 7.

27 Agent Vega-Torres followed PINELA as he traveled northbound on Highway 7. Using
28 the vehicle's emergency lights and sirens, Agent Vega-Torres attempted to perform a vehicle
29 stop. PINELA ignored the lights and sirens, exited Highway 7 and began traveling westbound on

1 Interstate 8. After approximately three miles, PINELA pulled over on the westbound lanes of
2 Interstate 8. Agent Vega-Torres pulled up next to the sedan and could clearly saw PINELA in
3 the driver's seat behind the steering wheel. PINELA let two passengers out of the sedan and
4 continued westbound on Interstate 8.

5 Agent M. Sandoval arrived at the scene as PINELA was driving away. Agent Sandoval
6 identified herself as a United States Border Patrol Agent to the two suspected illegal aliens.
7 Agent Sandoval questioned both individuals as to their citizenship. Both subjects claimed to be
8 citizens of Mexico without any immigration documents that would allow them to live, work, or
9 remain in the United States legally. Agent Sandoval arrested both subjects.

10 Agent Vega-Torres continued following PINELA on the westbound lanes of Interstate 8.
11 PINELA exited Interstate 8 and proceeded northbound on Bowker Road. Agent S. Carter using
12 his flashlight could clearly see PINELA wearing a reddish colored checkered shirt. PINELA
13 continued northbound for approximately one mile and exited McConnell Road and began driving
14 on dirt field roads west of McConnell Road. PINELA stopped again and let two other suspected
15 illegal aliens get out of the sedan.

16 Agent M. Hernandez approached the two suspected illegal aliens, identified himself as a
17 United States Border Patrol Agent and questioned both subjects as to their citizenship. Both
18 suspected illegal aliens claimed to be citizens of Mexico without documents that would allow
19 them to live, work, or remain in the United States legally. Agent Hernandez arrested both
20 subjects.

21 PINELA continued driving on field roads until his vehicle had mechanical failure.
22 PINELA exited his vehicle and attempted to abscond. Agent Vega-Torres exited his vehicle and
23 identified himself as a United States Border Patrol Agent. PINELA did not stop and continued to
24 run. After a short foot pursuit, Agent Vega-Torres was able to apprehend PINELA. Agent Vega-
25 Torres again identified himself as a United States Border Patrol Agent and questioned PINELA
26 as to his citizenship. PINELA stated that he is a United States Citizen born in Brawley,
27 California. PINELA was placed under arrest.

28 Agent S. Carter approached the remaining suspected illegal alien which had exited the
29 sedan and identified himself as a United States Border Patrol Agent. Agent Carter questioned

him as to his citizenship. The subject claimed to be a citizen of Mexico without any immigration documents to be legally in the United States. Agent Carter placed the subject under arrest.

Agent Vega-Torres advised Gerardo PINELA-Ruiz of his Miranda rights. PINELA acknowledged understanding his rights and was willing to answer any questions without an attorney present. PINELA told agents he is a United States Citizen born in Brawley. PINELA stated he understood he was arrested for smuggling illegal aliens. PINELA stated a man called him on his cell phone and asked him if he wanted to go pickup some people. PINELA said the man was going to pay him to go pick them up.

Material Witnesses Pastor GUTIERREZ-Caldaria, Juan Carlos DE LA CRUZ-Beltran, and Octavio MELCHOR-Casimiro stated they are citizens of Mexico illegally in the United States. GUTIERREZ, DE LA CRUZ, and MELCHOR stated they all made arrangements to pay between \$2,000.00 and \$2,500.00 to be smuggled into the United States. GUTIERREZ, DE LA CRUZ, and MELCHOR stated they crossed the United States/Mexico International border illegally by boarding a raft and rafting across a canal into the United States. GUTIERREZ, DE LA CRUZ, and MELCHOR were shown a six pack photo line up and they all positively identified Gerardo PINELA-Ruiz as the individual that picked them up and was driving the sedan.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Pastor GUTIERREZ-Caldaria	Mexico
Juan Carlos DE LA CRUZ-Beltran	Mexico
Octavio MELCHOR-Casimiro	Mexico

Further, complainant states that Pastor GUTIERREZ-Caldaria, Juan Carlos DE LA CRUZ-Beltran, and Octavio MELCHOR-Casimiro, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.